

City of Kimberly minutes

City Council
MEETING minutes

June 27, 2023

6:00 pm

242 Hwy 30 E., Kimberly, ID 83341

Provisions are being made to support Council, Staff and Public participation, in this public meeting, via a telephone conference call option, or you may attend in person.

TO PARTICIPATE BY PHONE, call in at approximately 5:55 p.m. to the conference call number 1-402-752-0115 Enter the Pin number 268 001 005 followed by the pound # sign.

CALL TO ORDER & PLEDGE OF ALLEGIANCE

WELCOME – PLEASE TURN OFF CELL PHONES – THANK YOU

ROLL CALL OF CITY COUNCIL MEMBERS

City Clerk Carrie Kimball took roll call:

Tomlinson-Yes

Duncan- Yes

Richman- Yes

CEREMONIES, ANNOUNCEMENTS, PRESENTATIONS

None

AMENDMENTS TO THE AGENDA

None

DECLARATION OF CONFLICT

None

1. CITIZEN ISSUES – PUBLIC INPUT –No person shall be permitted to speak from a location other than the public podium. This section of the agenda is reserved for citizens wishing to address the Council regarding a City-related issue. In order to ensure adequate public notice, Idaho Law provides that any item requiring Council action must be placed on the agenda of an upcoming Council meeting, except for emergency circumstances. Comments related to future public hearings should be held for that public hearing. Persons wishing to speak will have **3** minutes. Comments regarding performance by city employees are inappropriate at this time and should be directed to the Mayor, either by subsequent appointment or after tonight's meeting if

time permitting. Public participation at a Kimberly City Council meeting is limited to participation in the public comment portion of the meeting. The City Council does not take any action or make any decisions during public comment.

2. PUBLIC HEARINGS RULES - Items listed as public hearings allow citizen comment on the subject matter before the Council. Residents or visitors wishing to comment upon the item before the Council should follow the procedural steps. In order to testify, individuals must sign up in advance, providing sufficient information to allow the Clerk to properly record their testimony in the official record of the City Council. Hearing procedures call for presentation by the applicant, submission of information from City staff, and is followed by public testimony. The rules for testifying include the following: applicant will have 15 minutes to present their project; testimony by the public will be limited to 3 minutes per person. Testimony at public hearings on applications brought forth from the Planning & Zoning Commission can be used to reaffirm previous testimony.

A. Public Hearing

None

3. NEW BUSINESS:

A. DISCUSSION-ACTION ITEM – Approval of Beer, Wine, and or Liquor licenses. Applicants have received necessary approvals from the State of Idaho, Twin Falls County and have paid all applicable Kimberly City license fees. - *City Clerk, Carrie Kimball – Council action required.*

1. Anita’s Buck-N-Bar Liquor License Application for the 2023/2024 year. This License includes Beer, Wine, and Liquor sales.

2. Gups, LLC Liquor License Application for the 2023/2024 year. This License includes Beer, Wine, and Liquor sales.

3. Monterey Jacks Pizza of Kimberly Beer License Application for the 2023/2024 year. This License includes Beer.

4. Maverik, Inc. Beer and Wine License Application for the 2023/2024 year. This License includes Beer, Wine.

5. Oasis Stop-N-Go Beer and Wine License Application for the 2023/2024 year. This License includes Beer, Wine.

6. Second Time, LLC DBA Cactus Grill Beer, Wine, and Liquor licenses Application for the 2023/2024 year. This includes Beer, Wine, and Liquor.

7. Family Dollar Beer and Wine License Application for the 2023/2024 year. This License include Beer, Wine.

8. Ridley’s Food and Drug Beer and Wine License Application for the 2023/2024 year. This License include Beer, Wine.

Mayor Davidson called for a motion:

Councilman Richman motioned to approve the Approval of Beer, Wine, and or Liquor licenses; to include:

1. Anita’s Buck-N-Bar Liquor License Application for the 2023/2024 year. This License includes Beer, Wine, and Liquor sales.

2. Gups, LLC Liquor License Application for the 2023/2024 year. This License includes Beer, Wine, and Liquor sales.

3. Monterey Jacks Pizza of Kimberly Beer License Application for the 2023/2024 year. This License includes Beer.

4. Maverik, Inc. Beer and Wine License Application for the 2023/2024 year. This License includes Beer, Wine.

5. Oasis Stop-N-Go Beer and Wine License Application for the 2023/2024 year. This License includes Beer, Wine.

6. Second Time, LLC DBA Cactus Grill Beer, Wine, and Liquor licenses Application for the 2023/2024 year. This includes Beer, Wine, and Liquor.

7. Family Dollar Beer and Wine License Application for the 2023/2024 year. This License include Beer, Wine.

8. Ridley’s Food and Drug Beer and Wine License Application for the 2023/2024 year. This License include Beer, Wine.

Councilman Tomlinson seconded the motion.

Roll Call:

Tomlinson-Yes

Duncan- Yes

Richman-Yes

B. DISCUSSION-ACTION ITEM – Request for preliminary plat extension - Canyon Glenn Subdivision – requests a preliminary plat extension, from 07-14-2023 to 07-14-2024, in accordance with Kimberly City Code, Title 17- Section 17.12.020 (9) Approval Period: “(a). Failure to file and obtain the certification of the acceptance of the final plat application by the administrator within one year after action by the council shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the developer and granted by the council.” Council final action on Canyon

Glen Subdivision, Preliminary Plat was 07-12-2022. – *Craig - Lawrence Gunderson or representative*

Craig went over the documentation that was presented to Council (*see insert*). Mr. Gunderson was present as Craig updated the Council on the request for the extension.

Duncan questioned if that pile of rubbish that looks like people have used for a trash dump site was going to be cleaned up. She would like to see that gone. She stated they were there to grant an extension, but wanted conditions put in place in order to grant the extension. Duncan asked if it would be cleaned up by July 11th which is the next Council meeting.

Mr. Gunderson stated it would not be cleaned up by then.

Craig also addressed that the property known as Canyon Glenn Subdivision would need to have all the weeds knocked down to 6" or less due to many complaints coming into City Hall. Along with the RV that is parked out there.

Richman asked when Mr. Gunderson thought construction would start.

Mr. Gunderson replied, next spring it is taking longer than expected.

Mayor asked Mr. Gunderson if 30-days would be enough time to knock down the weeds and remove the pile of debris.

Mr. Gunderson replied he didn't know.

Duncan replied this will be expired by the next meeting.

Craig stated he was hearing 30-days to get it removed.

Mayor stated yes, that's why he was asking Mr. Gunderson how long it would take.

Brian commented that he thought 30-days sounded fair.

Craig stated, Mayor, if your saying 30-days and he doesn't have it done then he will come back in front of Council correct.

Mayor stated yes, that some sort of time frame needs to be in place.

Richman asked Mr. Gunderson where he stood with the PI agreement.

Craig stated it begins on 3500 down through Mill Creek to the Stone Gate PI station, and that Brian had spoken with Steve from Civil Science Engineering on this.

Mr. Gunderson stated he was working on it.

Craig reminded the Council that we will still responsible for the onsite PI system, located today on the Gunderson Property, no called Canyon Glen Sub., that supplies PI water to Stonegate. Mr. Richman you were spot on questioning that PI status. When do you want that finished up.

Richman asked what would be a reasonable time.

Duncan stated it sounded reasonable to allow the extension with the 3 conditions met prior to August 8, 2023. Those conditions are:

1. The PI-Pressurized irrigation system agreement as depicted in July 12, 2022 findings, shall be signed, and recorded prior to August 8, 2023 Council Meeting.
2. The mountain of dirt and debris adjacent to Emerald Drive and the South West area of Stonegate shall be removed prior to August 8, 2023 Council Meeting.
3. Per previous weed abatement letters sent, all weed growth adjacent to the Stonegate south boundary fences abutting the subject Canyon Glen property, shall be removed, stressing caution to not damage the existing South boundary Stonegate fencing, in-conjunction with the remaining 32 acres to be removed to 6 inches in height or less, prior to the August 8, 2023 Council Meeting.

Mayor Davidson called for a motion:

Councilwoman Duncan motioned to approve Canyon Glenn Subdivision – requests a preliminary plat extension, from 07-14-2023 to 07-14-2024, in accordance with Kimberly City Code, Title 17- Section 17.12.020 (9) Approval Period with the 3 conditions listed as by August 8, 2023:

1. The PI-Pressurized irrigation system agreement as depicted in July 12, 2022 findings, shall be signed, and recorded prior to August 8, 2023 Council Meeting.
2. The mountain of dirt and debris adjacent to Emerald Drive and the South West area of Stonegate shall be removed prior to August 8, 2023 Council Meeting.
3. Per previous weed abatement letters sent, all weed growth adjacent to the Stonegate south boundary fences abutting the subject Canyon Glen property, shall be removed, stressing caution to not damage the existing South boundary Stonegate fencing, in-conjunction with the remaining 32 acres to be removed to 6 inches in height or less, prior to the August 8, 2023 Council Meeting.

Councilman Richman seconded the motion.

Roll Call:

Tomlinson-Yes

Duncan- Yes

Richman-Yes

4. UNFINISHED BUSINESS-

A. DISCUSSION-

None

5. CONSENT CALENDAR- Discussion - Action -The consent calendar includes items which require formal Council action, but which are typically routine or not of great controversy. Individual Council members may ask that any specific item be removed from the consent calendar in order that it is discussed in greater detail. Explanatory information is included in the Council agenda packet regarding these items and any contingencies are part of the approval.

A. Approve Minutes for June 13, 2023

B. Accounts Payable for June 14, 2023 – June 27, 2023

| | |
|--------------|---------------------|
| General Fund | \$ 12,122.37 |
| Water Fund | \$ 57,432.25 |
| Sewer Fund | \$ 17,692.82 |
| Library | \$ 939.27 |
| TOTAL | \$ 88,186.71 |

Mayor Davidson called for a motion:

Councilman Richman motioned to approve the Consent Calendar as presented.

Councilman Tomlinson seconded the motion.

Roll Call:

Tomlinson-Yes

Duncan- Yes

Richman-Yes

6. ORDINANCES AND RESOLUTIONS –

Ordinances and resolutions are formal measures considered by the City Council to implement policy which the Council has considered. Resolutions govern internal matters to establish fees and charges pursuant to existing ordinances. Ordinances are laws which govern general public conduct. Certain procedures must be followed in the adoption of both ordinances and resolutions; state law often establishes those requirements.

A. DISCUSSION-ACTION ITEM –

None

7. ADMINISTRATIVE / STAFF REPORTS -

Chief- Apologized for being late he was tending to an accident, and had nothing further for this meeting.

Craig- Councilman Duncan, you let me know you had received mailings from TDS and asked me to update the status for TDS. Craig informed the Council that City Hall had been receiving calls about TDS flyers being received in the mail, some flyers have been brought to City Hall. Craig stated he was aware that flyers had went out, stating they were coming to Kimberly, but had seen a follow up flyer went out stating they were not. There has been no communication from them since their e-mail withdrawing coming to Kimberly. TDS was not able to meet Brian's ISWPC public right of way requirements, nor commit to any repairs to lines that they may break, including required actions for the media for a boil order, door hangers, testing, and a boil order lift once it has been deemed safe to do so. The City of Kimberly welcomes TDS to come into town once an agreement can be reached and signed with the above requirements for Kimberly public right of ways.

Duncan asked if they were complying with other cities.

Craig stated the other cities were publicly commenting on face book, and newspapers regarding damages, repair times, etc. As you know there is not enough staff to be the repair / fix group for damages caused by any one damaging public infrastructure. No staff for repairs, boil orders, and media, is how our documented last communications ended with TDS e-mail saying they were not able to come to Kimberly due to the restrictions. The door is always open if they would like to come to Kimberly.

Duncan stated the follow up letter kind of makes the City of Kimberly look like the dirty rotten city.

Richman asked if they were the only fiber company around.

Craig stated no, there are other fiber companies. The City did a \$65,000.00 study about broadband and fiber a few years ago. The study indicated that the citizens of Kimberly responding, they didn't need any more broadband, which is primarily delivered via fiber optics. The Police, School and RCFD stated they were well covered.

Craig stated Brian was pretty much finished up with Sage Meadow. Those are the 19-lots at the back of Brentwood. Will have that in front of Council on the July 11, 2023 meeting.

Craig commented that he left a copy of the KGND flyer for Mayor and Council, and expects another great event this year.

Duncan asked if the Bully Barn property has sold yet.

Craig said it was getting close.

Brian- Reporting that his crew has been busy getting ready for KGND. They were also planning on doing more patch work. The crack seal will be getting finished up as well. Olsen Farms has limited concrete so its going slow but well. They should be doing asphalt soon, and they seem to be in good shape. Centennial Subdivision is done and looks great.

Chief commented it looked great as well, and is a great asset to the City.

Carrie- Thanked the Council for approving the Beer, Wine, and Liquor licenses. Nothing further for the meeting.

8. COUNCIL COMMENTS –

None

9. MAYOR COMMENTS – Mayor reminded everyone that the KGND Parade starts at 10:30 on Saturday morning July 8, 2023. He invited the Council to once again join in the ride and passing out candy. He reminded everyone the park will be full Friday night as well with vendors, and then carrying on into Saturday. This years Fireworks show is on Saturday night as usual and expecting it to be amazing. Mr. Tomlinson will be handling the chicken boxes again this year.

10. EXECUTIVE SESSION – DISCUSSION-ACTION ITEM-

None

ADJOURNMENT:

Mayor, Burke Davidson

City Clerk, Carrie Kimball